IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

CRP.No. 2718 of 2002(F)

CMA.19/2002 of PRL.SUB COURT,IRINJALAKUDA
I.A.NO.133/2002 IN OS.87/2002 of MUNSIFF-MAGISTRATE COURT, CHALAKUDY

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REVN. PETITIONERS: RESPONDENTS/PETITIONERS

1. MARIES, W/O. AINIKKAL LOUIS,
   AVITTAPPILLY DESOM, MATTATHUR VILLAGE,
   MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

2. KUNJUVAREETH, S/O. MANJALLY DEVASSY,
   CHENGALLOOR VILLAGE, MUKUNDAPURAM TALUK,
   THRISSUR DISTRICT.

BY ADV. SRI.N.P.SAMUEL

RESPONDENTS: APPELLANTS/RESPONDENTS

1. VENU MENON, S/O. CHAKKOTH MEENAKSHY AMMA
   AVITTAPPILLY DESOM, MATTATHUR VILLAGE,
   MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

2. RAVUNNY,S/O. PANOKKY VELU,
   AVITTAPPILY DESOM, MATTATHUR VILLAGE,
   MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

3. CHANDRAN, S/O. KALAPURAKAL MADHAVAN,
   CHETTICHAL DESOM, MATTATHUR VILLAGE,
   MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

4. PAINKILY ALIAS SUBRAN
   S/O. PADIYOOKKARAN RAMAN, MATTATHUR VILLAGE,
   MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

5. GOKULAN, S/O. KURUYEDATH KAVALAN,
   MATTATHUR VILLAGE, MUKUNDAPURAM TALUK,
   THRISSUR DISTRICT.

6. PAPPUNNY, S/O. THALIYAPARAMBIL
   SANKARANKUTTY,MATATHUR VILLAGE,MUKUNDAPURAM TALUK,
   THRISSUR DISTRICT.

BY ADV. SRI.RENJITH THAMPAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP.NO.6847/2002 IN CRP.NO.2718/2002

DISMISSED

21/2/2006

Sd/-
P.R.RAMAN, JUDGE.

P.R.RAMAN,J.

C.R.P.NO.2718 OF 2002

Dated this the 21st day of February, 2007

O R D E R

This revision is filed against the judgment of the Principal Sub Court, Irinjalakuda in C.M.A.No.19/2002 allowing the appeal filed by the appellants/defendants and reversing the order of the Munsiff's Court granting temporary injunction in favour of the petitioners. The suit was one for permanent prohibitory injunction and IA.133/02 was for interim injunction restraining the respondents from obstructing the banana cultivation done by the first respondent. After the death of the 1st plaintiff's husband, her father, the 2nd plaintiff was looking after the property on behalf of the 1st plaintiff. Though this property was paddy field, subsequently it was

improved with banana cultivation. It was the contention of the defendants that change of the cultivation by the plaintiffs cannot be done easily due to stagnation of water. The trial court after consideration of the rival submissions, granted temporary injunction as prayed for, which however was reversed by the Appellate Court against which the present revision is filed.

2. The Appellate Court placed reliance on the fact that conversion of paddy field into banana cultivation without getting permission is not permissible. It appears that the defendants have already preferred a petition before the Revenue Divisional Officer claiming reliefs under the land utilisation order. This C.R.P. is of the year 2002. This Court passed an order dated 12/12/2002 to maintain status quo in C.M.P.No.6847/2002. After

hearing both sides, this Court modified that order by an order granting injunction restraining the respondents from trespassing into the plaint schedule properties or causing any obstruction to undertake banana cultivation in the plaint schedule properties. This order was passed on 5/11/2003 and as on today the same is continuing. It was observed in the said order that the counsel for the respondents submits that respondents have no objection in granting the interim order as prayed for instead of allowing the order of status quo. However, the respondents further submits that his submission may not be treated as to mean that the respondents are admitting that the petitioners are entitled for any interim reliefs.

3. In the factual situation and in the interest of justice, what is further required

to be done is to direct the Munsiff's Court to expedite the trial of the suit within a time limit.

4. After hearing both sides, the following orders are passed exercising the powers under Article 227 of the Constitution of India.

> The interim order dated 5/11/2003 passed by this Court will continue till the disposal of the suit, O.S.No.87/2002. The Munsiff's Court, Chalakkudy shall expedite the trial of the suit and dispose of the same, as expeditiously as possible, at any rate, within a period of six months.

C.R.P. is disposed of as above.

P.R.RAMAN,
Judge.

kcv.

P.R.RAMAN, J.

C.R.P.NO.2718 OF 2002

O R D E R

21st February, 2007